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COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Draft optional protocol to the International Covenant on Economic, Social and Cultural Rights

Report of the High Commissioner for Human Rights

Addendum

Introduction

1. In paragraph 7(b) of its resolution 2000/9, the Commission on Human Rights requested the High Commissioner to invite all States, intergovernmental organizations and non-governmental organizations which have not yet done so to submit their comments on the report by the Committee on Economic, Social and Cultural Rights on a draft optional protocol for the consideration of communications in relation to the Covenant (E/CN.4/1997/105, annex), as well as to invite all States to submit their comments on the options relating to the proposal for a draft optional protocol, contained in the report of the High Commissioner for Human Rights on the draft optional protocol to the Covenant (E/CN.4/2000/49), or to propose any other option that would be conducive to a substantive dialogue, giving due regard to the respective roles of the Committee and the Sub-Commission on the Promotion and Protection of Human Rights.

2. Comments received until 15 November 2000 are contained in document E/CN.4/2001/62. Additional information received, as at 15 February 2001, from Chile and Sweden, is contained in the present document. The substantive parts of the replies received is provided. The full text of the replies may be consulted in the files of the secretariat.

COMMENTS FROM STATES

Chile

[Original: Spanish
8 January 2001]

The Minister for Foreign Affairs of the Republic of Chile states that, in his opinion, the resolution approved without a vote last April (2000) contains nothing that would be controversial for the Government of Chile and that, on the contrary, he thinks its implementation should be strongly supported. He also points out that the resolution contains a decision, namely, to reiterate a request to the United Nations High Commissioner for Human Rights to organize in 2001 a workshop to identify progressive developmental benchmarks and indicators related to the right to education.

Sweden

[Original: English
22 November 2000]

1. Regarding comments on the report by the Committee on Economic, Social and Cultural Rights on a draft optional protocol in relation to the Covenant, reference is made to the Swedish comments submitted on 21 December 1998 and contained in document E/CN.4/1999/112/Add.1.

2. The Government of Sweden attributes great importance to the role of the Committee in the follow-up of the implementation of the International Covenant on Economic, Social and Cultural Rights. Sweden therefore lends its support to efforts aimed at improving the effectiveness and relevance of the Committee's work.

3. The Government of Sweden remains unconvinced, however, that the suggested draft optional protocol presents an optimal way forward in strengthening the international mechanisms needed to contribute to the universal realization of economic, social and cultural rights.

4. Sweden notes that only a limited number of States have responded to the repeated requests by the Commission on Human Rights to all States, intergovernmental organizations and non-governmental organizations to submit their comments on a draft optional protocol to the relevant Covenant. Sweden believes that the present number of comments provides an insufficient basis to determine any further steps as regards the suggested optional protocol.

5. Sweden would like to suggest that the Committee on Economic, Social and Cultural Rights further explore the question of best ways of implementing economic, social and cultural rights, taking fully into account its existing mandate as established in the implementing articles of the Covenant. The Committee has a unique role to play in linking internationally recognized norms on human rights to the work of the United Nations agencies and bodies in the economic, social and cultural fields.

6. Ultimately, what should determine whether an approach taken is valid and reasonable is whether it is likely to provide the best way forward in bringing about change in the real life of individuals seeking the enjoyment of their economic, social and cultural rights. Today we are encouraged by the efforts of the Secretary-General to integrate human rights into the whole United Nations. It is the opinion of Sweden that the Committee on Economic, Social and Cultural Rights should play a key role in this process, which in fact is already under way within a number of United Nations agencies and bodies. Sweden believes that the Committee has yet to develop its full potential within the framework of its existing mandate in assisting Governments in fulfilling their obligations relating to the realization of economic, social and cultural rights.